

### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed April 1, 2008. In the Office Action, the Examiner notes that claims 1, 3-10 and 12-22 are pending and rejected. By this response, Applicants have amended claims 1 and 10.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

#### **35 U.S.C. §103 Rejection of Claims 1, 3-10 and 12-22**

The Examiner has rejected claims 1, 3-10 and 12-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,600,573 to Hendricks (hereinafter "Hendricks") in view of U.S. Patent 6,088,732 to Smith et al. (hereinafter "Smith"). Applicants respectfully traverse the rejection.

Hendricks teaches an operations center with video storage for a television program packaging and delivery system. (See Hendricks, Abstract).

Smith teaches a control of data transfers and distributed data processing based on resource currently available at remote apparatus. Smith teaches that a comparator may compare the resources available on an information destination to determine if the requested information can be passed to the information destination from the information source. (See Smith, col. 5, l. 40 – col. 6, l. 61).

The Applicants respectfully submit that Hendricks and Smith, alone or in any permissible combination fail to teach or suggest a method or apparatus for formatting and coding content for storage and delivery comprising receiving a coding and formatting request in one of at least two different formats from a user and decoding,

formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user, as positively claimed by the Applicants' independent claims 1 and 10. Specifically, Applicants' independent claim 1, and similarly independent claim 10, positively recite:

1. A method for formatting and coding content for storage and delivery, comprising:
    - providing at least two different formats for content storage;
    - receiving a coding and formatting request in one of at least two different formats from a user;
    - analyzing parameters contained in the coding and formatting request from said user;
    - configuring a formatting codec in one of at least two different formats for content delivery using the analyzed parameters;
    - decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user; and
    - routing the coded target output content to one or more target addresses; wherein the method further includes processing auxiliary services that comprises:
      - analyzing auxiliary services processing requests in the coding and formatting request,
      - configuring one or more auxiliary services processes to generate requested auxiliary services, and
      - outputting the requested auxiliary services, wherein the outputted auxiliary services are combined with the coded target output content.
- (Emphasis added).

In one embodiment, the Applicants' invention teaches a method or apparatus for formatting and coding content for storage and delivery comprising receiving a coding and formatting request in one of at least two different formats from a user and decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user.

The Applicants respectfully submit that Hendricks and Smith, alone or in any permissible combination, fail to render obvious the Applicants' invention because Hendricks and Smith fail to teach or suggest a method or apparatus for formatting and coding content for storage and delivery comprising receiving a coding and formatting

request in one of at least two different formats from a user and decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user. The Examiner concedes that Hendricks fails to teach or suggest that a coding and formatting request in one of at least two different formats is received from a user. (See Final Office Action, p. 5, ll. 6-7). However, the Examiner asserts that Smith bridges the substantial gap left by Hendricks. The Applicants respectfully disagree.

Smith fails to bridge the substantial gap left by Hendricks because Smith also fails to teach or suggest a method or apparatus for formatting and coding content for storage and delivery comprising receiving a coding and formatting request in one of at least two different formats from a user and decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user. Notably, Smith teaches that the apparatus resources are passed to a comparator to determine whether the information requested and the information destination are compatible. (See Smith, col. 5, l. 41 – col. 6, l. 7). If they are compatible, the requested information is passed to the information destination. (See *Id.*, emphasis added). Smith further teaches that “[i]f these resources do not meet the requirements of the application profile, then the service cannot be provided over the network or at least over certain communication links in the user.” and “[t]hus [sic] the service can only be provided when the requirements of the user’s profile and the application profile are met by the terminal profile and the network profile.” (See *Id.* at col. 6, ll. 43-55, emphasis added). Therefore, Smith clearly teaches that a user does not request a specific coding and formatting. Rather, Smith simply passes the specifications of the user’s information source to a comparator to determine if the user can receive the requested information.

To illustrate the subtle, yet clear distinction between Smith and the Applicants’ invention, Smith teaches that a user may not receive the requested information if the information requirements are not met by the information destination. (See Smith, col. 5, l. 41 – col. 6, l. 7). In stark contrast, as recited by the amended independent claims 1 and 10, the Applicants’ invention teaches that the coded target output content is

produced in accordance with the coding and formatting request received from the user. Thus, the intelligence of the Applicants' invention allows a user's request for a type of formatting and coding to be met, unlike Smith which only teaches a comparator that determines if the requirements of the requested information can be met by the user's information destination. Thus, even if Hendricks and Smith were permissibly combined, the combination of Hendricks and Smith would fail to teach or suggest a method or apparatus for formatting and coding content for storage and delivery comprising receiving a coding and formatting request in one of at least two different formats from a user and decoding, formatting, and coding target content using the configured formatting codec, whereby coded target output content is produced in accordance with the coding and formatting request received from the user.

Furthermore, as previously argued, the Applicants' claims 1 and 10 teach that the auxiliary service requests are provided in the coding and formatting requested from a user. This is not taught or suggested in the combined teaching of Hendricks and Smith.

For example, Hendricks teaches an ad insertion component (which is a part of a computer-assisted packaging (CAP) system in an operations center) that determines what advertisements will be inserted into the program lineup (col. 10, lines 52-55; Fig. 2). A CAP interaction module receives from the CAP system scheduling information including any ad insertions (col. 13, lines 48-51). Hendricks also teaches that an advertisement insertion routine receives data from the system controller on advertisements that are available to be inserted and their storage location, as well as other information relating to the advertisements (col. 17, lines 49-67).

However, there is no teaching in these sections of Hendricks that the auxiliary service requests are in the coding and formatting request from the user. In addition, there is no teaching in Smith that the user's profile defines or requests any auxiliary services in the coding and formatting request. As such, the combined teaching of Hendricks and Smith does not teach each and every element in Applicants' amended claims 1 and 10. Thus, independent claims 1 and 10 are patentable over Hendricks in view of Smith under 35 U.S.C. 103(a). Independent claim 10 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same

reasons discussed above, independent claim 10 also is patentable over Hendricks in view of Smith under 35 U.S.C. §103.

Furthermore, claims 3-9 and 12-22 depend directly or indirectly from independent claims 1 and 10, while adding additional elements. Therefore, these dependent claims also are patentable over Hendricks in view of Smith under 35 U.S.C. §103 for at least the same reasons discussed above in connection with independent claims 1 and 10. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **CONCLUSION**

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Chin (Jimmy) Kim at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: \_\_\_\_\_

6/2/08



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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808